

ESHB 3127 - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED 03/02/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that expanding
4 activity in educational research, educational restructuring, and
5 educational improvement initiatives has produced and continues to
6 produce much valuable information. The legislature finds that such
7 information should be shared with the citizens and educational
8 community of the state as widely as possible. The legislature further
9 finds that students and schools benefit from increased parental,
10 guardian, and community knowledge of and input regarding the delivery
11 of public education. The legislature further finds that increased
12 knowledge of and input regarding the public education system is
13 particularly needed in low-income and ethnic minority communities.

14 The legislature finds that the center for the improvement of
15 student learning, created by the legislature in 1993 under the auspices
16 of the superintendent of public instruction, has not been allocated
17 funding since the 2001-2003 biennium, and in effect no longer exists.
18 It is the intent of the legislature to reactivate the center for the
19 improvement of student learning, and to create an educational ombudsman
20 to serve as a resource for parents and students and as an advocate for
21 students in the public education system.

22 **Sec. 2.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to
23 read as follows:

24 (1) (~~Expanding activity in educational research, educational~~
25 ~~restructuring, and educational improvement initiatives has produced and~~
26 ~~continues to produce much valuable information. The legislature finds~~
27 ~~that such information should be shared with the citizens and~~
28 ~~educational community of the state as widely as possible.)) To
29 facilitate access to information and materials on educational~~

1 improvement and research, the superintendent of public instruction, to
2 the extent funds are appropriated, shall establish the center for the
3 improvement of student learning. (~~The primary purpose of the center~~
4 ~~is to provide assistance and advice to parents, school board members,~~
5 ~~educators, and the public regarding strategies for assisting students~~
6 ~~in learning the essential academic learning requirements pursuant to~~
7 ~~RCW 28A.630.885.~~) The center shall work in conjunction with (~~the~~
8 ~~academic achievement and accountability commission~~) parents,
9 educational service districts, institutions of higher education, and
10 education, parent, community, and business organizations.

11 (2) The center, in conjunction with other staff in the office of
12 the superintendent of public instruction, shall:

13 (a) (~~Serve as a clearinghouse for the completed work and~~
14 ~~activities of the academic achievement and accountability commission;~~

15 ~~(b)~~) Serve as a clearinghouse for information regarding successful
16 educational improvement and parental involvement programs in schools
17 and districts, and information about efforts within institutions of
18 higher education in the state to support educational improvement
19 initiatives in Washington schools and districts;

20 (~~(c)~~) (b) Provide best practices research (~~and advice~~) that can
21 be used to help schools develop and implement: Programs and practices
22 to improve instruction (~~of the essential academic learning~~
23 ~~requirements under section 701 of this act~~); systems to analyze
24 student assessment data, with an emphasis on systems that will combine
25 the use of state and local data to monitor the academic progress of
26 each and every student in the school district; comprehensive, school-
27 wide improvement plans; school-based shared decision-making models;
28 programs to promote lifelong learning and community involvement in
29 education; school-to-work transition programs; programs to meet the
30 needs of highly capable students; programs and practices to meet the
31 diverse needs of students based on gender, racial, ethnic, economic,
32 and special needs status; research, information, and technology
33 systems; and other programs and practices that will assist educators in
34 helping students learn the essential academic learning requirements;

35 (~~(d)~~ Develop and distribute, in conjunction with the academic
36 achievement and accountability commission, parental involvement
37 materials, including instructional guides developed to inform parents
38 of the essential academic learning requirements. The instructional

1 guides also shall contain actions parents may take to assist their
2 children in meeting the requirements, and should focus on reaching
3 parents who have not previously been involved with their children's
4 education;

5 ~~(e) Identify obstacles to greater parent and community involvement~~
6 ~~in school shared decision-making processes and recommend strategies for~~
7 ~~helping parents and community members to participate effectively in~~
8 ~~school shared decision-making processes, including understanding and~~
9 ~~respecting the roles of school building administrators and staff;~~

10 ~~(f))~~ (c) Develop and maintain an internet web site to increase the
11 availability of information, research, and other materials;

12 ~~((g) Take other actions to increase public awareness of the~~
13 ~~importance of parental and community involvement in education;~~

14 ~~(h))~~ (d) Work with appropriate organizations to inform teachers,
15 district and school administrators, and school directors about the
16 waivers available and the broadened school board powers under RCW
17 28A.320.015;

18 ~~((i))~~ (e) Provide training and consultation services, including
19 conducting regional summer institutes;

20 ~~((j) Address methods for improving the success rates of certain~~
21 ~~ethnic and racial student groups))~~ (f) Identify strategies for
22 improving the success rates of ethnic and racial student groups with
23 disproportionate academic achievement; and

24 ~~((k))~~ (g) Perform other functions consistent with the purpose of
25 the center as prescribed in subsection (1) of this section.

26 (3) The superintendent of public instruction(~~, after consultation~~
27 ~~with the academic achievement and accountability commission,~~) shall
28 select and employ a director for the center.

29 (4) The superintendent may enter into contracts with individuals or
30 organizations including but not limited to: School districts;
31 educational service districts; educational organizations; teachers;
32 higher education faculty; institutions of higher education; state
33 agencies; business or community-based organizations; and other
34 individuals and organizations to accomplish the duties and
35 responsibilities of the center. In carrying out the duties and
36 responsibilities of the center, the superintendent, whenever possible,
37 shall use practitioners to assist agency staff as well as assist
38 educators and others in schools and districts.

1 (5) The office of the superintendent of public instruction shall
2 report to the legislature by September 1, 2007, and thereafter
3 biennially, regarding the effectiveness of the center for improvement
4 of student learning, how the services provided by the center for
5 improvement of student learning have been used and by whom, and
6 recommendations to improve the accessibility and application of
7 knowledge and information that leads to improved student learning and
8 greater family and community involvement in the public education
9 system.

10 NEW SECTION. Sec. 3. (1) The state board of education shall
11 establish an education ombudsman for all common school students in this
12 state. The purpose of the education ombudsman is to provide
13 information to parents, students, and others regarding their rights and
14 responsibilities with respect to the state's public elementary and
15 secondary education system, and to advocate on behalf of elementary and
16 secondary students.

17 (2)(a) The state board of education shall conduct a request for
18 proposals process and select the entity that will operate the education
19 ombudsman's program. Entities eligible to apply for selection include,
20 but are not limited:

- 21 (i) Education service districts;
- 22 (ii) Private, nonprofit educational organizations;
- 23 (iii) Private, nonprofit community-based organizations; and
- 24 (iv) Federally recognized Indian tribes.

25 (b) Entities not eligible to serve as the education ombudsman are
26 school districts, schools, or the superintendent of public instruction,
27 or any employee of a school district, school, or the superintendent of
28 public instruction.

29 (3) The state board of education shall enter into a contract with
30 the entity selected pursuant to this section to establish and operate
31 the education ombudsman's program. The term of any contract between
32 the state board of education and the entity selected shall not be
33 greater than two years and may be renewed for terms of no longer than
34 two years.

35 (4) The education ombudsman shall contract with educational service
36 districts, nonprofit education or community organizations, or federally
37 recognized tribes to provide education ombudsman services throughout

1 the state. The education ombudsman shall delegate and certify regional
2 education ombudsmen. The education ombudsman shall ensure that the
3 regional ombudsmen selected are appropriate to the community in which
4 they serve. The education ombudsman may not contract with the
5 superintendent of public instruction, or any school, school district,
6 or current employee of a school, school district, or the office of the
7 superintendent of public instruction for the provision of regional
8 ombudsman services.

9 NEW SECTION. **Sec. 4.** The education ombudsman shall have the
10 following powers and duties:

11 (1) To develop parental involvement materials, including
12 instructional guides developed to inform parents of the essential
13 academic learning requirements required by the superintendent of public
14 instruction. The instructional guides also shall contain actions
15 parents may take to assist their children in meeting the requirements,
16 and should focus on reaching parents who have not previously been
17 involved with their children's education;

18 (2) To provide information to students, parents, and interested
19 members of the public regarding this state's public elementary and
20 secondary education system;

21 (3) To identify obstacles to greater parent and community
22 involvement in school shared decision-making processes and recommend
23 strategies for helping parents and community members to participate
24 effectively in school shared decision-making processes, including
25 understanding and respecting the roles of school building
26 administrators and staff;

27 (4) To identify and recommend strategies for improving the success
28 rates of ethnic and racial student groups with disproportionate
29 academic achievement;

30 (5) To refer complainants and others to appropriate resources,
31 agencies, or departments;

32 (6) To facilitate the resolution of complaints made by parents and
33 students with regard to the state's public elementary and secondary
34 education system; and

35 (7) To perform such other functions consistent with the purpose of
36 the education ombudsman.

1 NEW SECTION. **Sec. 5.** (1) The education ombudsman and any regional
2 education ombudsmen shall have training or experience or both in the
3 following areas:

4 (a) Public education law and policy in this state;

5 (b) Dispute resolution or problem resolution techniques, including
6 mediation and negotiation; and

7 (c) Community outreach.

8 (2) The education ombudsman may not be an employee of any school
9 district, the office of the superintendent of public education or the
10 state board of education while serving as an education ombudsman.

11 NEW SECTION. **Sec. 6.** (1) Neither the education ombudsman nor any
12 regional educational ombudsmen are liable for good faith performance of
13 responsibilities under this chapter.

14 (2) No discriminatory, disciplinary, or retaliatory action may be
15 taken against any student or employee of any school district, the
16 office of the superintendent of public education, or the state board of
17 education, for any communication made, or information given or
18 disclosed, to aid the education ombudsman in carrying out his or her
19 duties and responsibilities, unless the same was done without good
20 faith or maliciously. This subsection is not intended to infringe upon
21 the rights of a school district to supervise, discipline, or terminate
22 an employee for other reasons or to discipline a student for other
23 reasons.

24 (3) All communications by the education ombudsman or the
25 ombudsman's staff or designee, if reasonably related to the education
26 ombudsman's duties and responsibilities and done in good faith, are
27 privileged and that privilege shall serve as a defense to any action in
28 libel or slander.

29 NEW SECTION. **Sec. 7.** The education ombudsman shall treat all
30 matters, including the identities of students, complainants, and
31 individuals from whom information is acquired, as confidential, except
32 as necessary to enable the education ombudsman to perform the duties of
33 the office. Upon receipt of information that by law is confidential or
34 privileged, the ombudsman shall maintain the confidentiality of such
35 information and shall not further disclose or disseminate the
36 information except as provided by applicable state or federal law.

1 NEW SECTION. **Sec. 8.** (1) When developing the request for
2 proposals under section 3 of this act, the state board of education
3 shall confer with each of the following:

4 (a) The Washington state commission on Hispanic affairs;

5 (b) The Washington state commission on African-American affairs;

6 (c) The Washington state commission on Asian Pacific American
7 affairs; and

8 (d) The governor's office of Indian affairs.

9 (2) The state board of education may establish subcommittees as it
10 desires, and may invite nonmembers to serve on these subcommittees to
11 provide ongoing consultation to the ombudsman.

12 (3) Nonlegislative members of the committee shall be reimbursed for
13 travel expenses under RCW 43.03.050 and 43.03.060.

14 NEW SECTION. **Sec. 9.** The state board of education shall advise
15 and make recommendations to the legislature and the governor
16 biennially. The state board of education shall provide a preliminary
17 report to the legislature and the governor by September 1, 2007.
18 Thereafter, the state board of education shall provide biennial reports
19 to the legislature and the governor regarding:

20 (1) How the education ombudsman's services have been used and by
21 whom;

22 (2) Methods for the education ombudsman to increase and enhance
23 family and community involvement in public education;

24 (3) Recommendations to eliminate barriers and obstacles to
25 meaningful family and community involvement in public education; and

26 (4) Strategies to improve the educational opportunities for all
27 students in the state.

28 NEW SECTION. **Sec. 10.** Sections 3 through 9 of this act are each
29 added to chapter 28A.300 RCW.

30 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
31 this act and section 2 of this act, referencing this act and section 2
32 of this act by bill or chapter number and section number, is not
33 provided by June 30, 2006, in the omnibus appropriations act, section
34 2 of this act is null and void."

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1 On page 1, line 1 of the title, after "education;" strike the
2 remainder of the title and insert "amending RCW 28A.300.130; adding new
3 sections to chapter 28A.300 RCW; and creating new sections."

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